

PLANNING BOARD MINUTES

May 12, 2010

Board members present:

Arthur Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart, Vice Chairman Frank Hollbrook, Assistant Town Solicitor

Audrey Rearick Alison Ring, Principal Planner

Richard Adams

Gladys Lavine

Betty Jane Owen

Charlene Rose-Cirillo

The meeting was called to order at 6:30 pm.

- Approval of the minutes of the April 14, 2010 regular Planning Board meeting.**

Motion by Ms. Rearick, seconded by Ms. Owen, to approve the April 14, 2010 minutes. Vote: 7-0-0.

Old Business

1. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Holbrook recused himself from the discussion of this matter.

Mr. Weber stated that the proponent has requested a continuance. He suggested that the matter be continued to the June Planning Board meeting.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the June 12, 2010 regular Planning Board meeting. Vote: 7-0-0.

2. Request of the Zoning Board of Review for an advisory recommendation on a special use permit application of Metro PCS, on behalf of the City of Newport Water Department, for installation of a wireless telecommunications facility at property located at, 219 Reservoir Rd., Plat 121NW, Lot 73.

Jacky Slaga represented Metro PCS who is proposing a 75 foot stealth monopole on the site (the same type and height as the existing monopole). This size and type of monopole cannot accommodate 5 carriers and therefore they are seeking a variance. The existing monopole cannot accommodate more carriers.

Daren, radio frequency engineer, presented maps of existing reliable coverage and maps demonstrating the relationship between the proposed height of the monopole and potential coverage provided.

Mr. Weber cited a previous decision by the zoning board allowing only one tower to be erected on the site. He also was concerned that this monopole only provided for 2 carriers. Mr. Weber also stated that over 50 abutters object to the request. Therefore, Mr. Weber recommended that the Planning Board not provide a positive recommendation be made to the zoning board.

Mr. Adams asked what Ms. Slaga meant by “launch” coverage and if that means additional towers may be necessary in the future?

Ms. Slaga responded to Mr. Adams questions by stating that “launch” coverage provides service to what is currently demanded and that it does not account for future demands incurred by an increase in capacity demands for the service within the service area.

Motion by Ms. Rearick, seconded by Ms. Owen, to provide a negative recommendation to the Zoning Board for the special use permit. Vote: 7-0-0.

3. Update on Comprehensive Community Plan 5-year update process

Mr. Weber stated that the Comprehensive Plan Update Committee is now in the process of reviewing the Land Use Element. The next meeting will be held on May 20, 2010 .

4. Update on potential revision to Zoning Ordinance Article 25A Wind Turbines regarding view shed & historic landscape protection.

Mr. Weber discussed the outcomes of the special meeting that was held on April 29, 2010 to discuss potential options for zoning ordinance amendments regarding protection of Middletown's historic resources and landscapes, and scenic view sheds from the impacts of development of new buildings and structures.

Motion by Ms. Lavine, seconded by Ms. Rearick, to submit a letter to the Town Council requesting the establishment of a subcommittee to identify particular viewsheds and landscapes for protection. Vote: 7-0-0.

New Business

1. Request of Church Community Housing Corporation for release of performance bond and recommendation to Town Council for road acceptance for Sunset Lawn Rd. administrative subdivision.

Mr. Weber stated the Town Engineer, Warren Hall, recommended a continuance on the matter.

Motion by Ms. Owen, seconded by Ms. Rearick, to continue this matter to the June 12, 2010 Planning Board meeting. Vote: 7-0-0.

2. David P. Leys, Jr., Proposed 2-lot subdivision, 268 Tuckerman Ave., Plat 116SE, Lot 109, request for combined preliminary and final approval.

The matter was previously approved by the Planning Board but the approval expired. Applicant returned seeking approval for the same application that was previously approved. Mr. Wolanski stated the conditions that were attached to the previous approval.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to approve the subdivision, subject to the following recommended conditions:

1. The existing structure located on the proposed new property line must be demolished prior to recording.

2. Applicant must determine which one of the two lots will be subject to the development impact fee. The appropriate note must be added to the plan.

Vote: 7-0-0.

Additional Items

1. David C. Jenkins, Jenkins Construction, Request for development plan review approval for construction of a proposed new commercial building, 1150 Aquidneck Ave., Plat 130, Lot 70.

David Plow, Project Manager for Jenkins Construction, represented the applicant. The applicant requested waivers for the following

items:

- 1. Required 10 foot landscaping buffer around the proposed building**
- 2. Required percentage window coverage on the North façade of the building**
- 3. Requirement for divided light windows on the South and East facades.**

Mr. Weber recommended that the requirement for a 10 foot landscaping buffer be waived, but not to waive the required divided light windows.

Mr. Eckhart, recommended that the applicant be granted relief for the window coverage requirement for the north side of the building as it is not as visible from Aquidneck Avenue. Mr. Eckhart also stated that the applicant should be held to the requirement for divided light windows.

Mr. Plow stated that the reason for the casement windows rather than divided light was for more light and visibility into the showroom. He also stated that the windows would be Anderson A series.

Motion by Ms. Eckhart, seconded by Ms. Rose-Cirillo, to grant the requested relief for the 10 foot landscaping buffer and window coverage requirement for the north façade, but deny request for a waiver from the divided light requirement for the South and East facades of the building, and to approve the plan subject to the inclusion of the required divided light windows. Vote: 7-0-0.

2. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for approval for residential development within

Zone 1 of the Watershed Protection District. Peter Gallipeau, Proposed Lot 9 of the Saltwood Farm14-lot Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4.

Mr. Holbrook recused himself from the discussion of this matter.

Attorney David Martland represented the applicant Mr. Peter Gallipeau. The applicant requested a continuance on the matter.

By consensus of the board, the matter was continued to the June 9, 2010 Planning Board meeting.

3. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for approval for residential development within Zone 1 of the Watershed Protection District. Peter Gallipeau, Proposed Lot 10 of the Saltwood Farm14-lot Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4.

Mr. Holbrook recused himself from the discussion of this matter.

Attorney David Martland represented the applicant Mr. Peter Gallipeau.

Attorney Vernon Gorton represented the Paradise Valley Neighborhood Association in opposition to the proposal stating that building in Zone 1 of the Watershed Protection District is contrary to the Comprehensive Plan.

Mr. Wolanski cited conditions that were placed on a previous application (since withdrawn) for all subject lots within the proposed subdivision.

Motion by Mr. Rearick, seconded by Ms. Owen, to forward a positive recommendation on the application to the Zoning Board of Review,

subject to the following recommended conditions:

- 1. The applicant shall be required to connect to the public sewer.**
- 2. At the time of development of the subdivision, the builder will be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.**
- 3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality shall be limited.**

Vote: 7-0-0.

Old Business

- 5. Public Hearing - Request of CVD II, LLC for consideration and action on proposed amendments to the Middletown Comprehensive Community Plan relating in part to property at Plat 111, Lots 8, 9, 9A, 10.**

Attorney Joseph Palumbo represented the applicant, CVD II, LLC. Mr. Palumbo stated that the applicant has a Purchase & Sales agreement with the owner of the property, The Estate of Aarom Dermullium. Mr. Palumbo stated the applicant was requesting a zone change for the property from Light Industrial (LI) to General Business (GBA) and that due to the uniqueness of the proposed development, "OMNI Marketplace," they would request that requirements in respect to shopping centers generally be amended with respect to this property only. Mr. Palumbo presented a letter from the applicant's real estate expert, Peter Scotti.

The Principal of CVD II, LLC., Mr. Vincent Mesoilella of 27 Paddock Drive, Lincoln, RI, described his experience of more than 30 years as a developer and public service career and his proposal for a shopping center at the site. Mr. Mesoilella suggested that the proposal is a win for both him as a profit driven developer as well as for the town who could benefit from the tax revenue, which he estimated at more than one million dollars, and jobs created (which he estimated at 400-600). Two informational meetings were held by the applicant.

A slideshow presentation was made with a voiceover provided by the applicant's architect, Duncan Pendlebury. The site is located approximately 2,200 feet north of existing commercial development along West Main Road. Entry to the site was proposed across from Marshall Lane. The presentation illustrated what potential build-out would look like in its current zoning (LI) and compared this scenario to the applicant's proposal. Arguments against light industrial use for the property by the applicant included truck traffic noise at odd hours, lower tax revenue, and that it is not neighborhood friendly. The proposal included pedestrian crosswalks, buffering (boundary walls and evergreen hedging), and light/illuminated sign baffling. To address traffic concerns, the applicant proposed a single curb cut, control signals, access/egress lanes, and widening the road (remain four lanes). The applicant proposed keeping the existing building on site and utilizing it as a market for local farm produce and products as well as craft and food vendors. In the rear of the site, 1,500 feet from West Main Road, would be a large retailer that would be the

anchor for the shopping center. The proposal was compared to a similar site in North Kingstown called Wickford Junction. The applicant provided two different site plan options and stated that both utilized less than the allowable site coverage.

Mr. Fred Presley, of 34 Highland Avenue, Westerly, was the planning, land use, and environmental expert for the applicant. Mr. Presley discussed the proposal in regards to the town's Comprehensive Plan and state's Land Use 2025. Mr. Presley highlighted that the site is within the Bailey Brook Watershed and that wetlands on site were in degraded condition, and that it was the applicant's intent to improve those conditions. Mr. Presley also stated that West Main Road was a scenic road and that the proposal would improve and enhance the area. Mr. Presley presented the proposed development as one that would encourage pedestrian access and circulation, provide a mixed-use center for the neighborhood, and reduce isolation of existing residential communities. Mr. Presley suggested the town consider form based codes rather than concentrate on use. Mr. Presley summarized points of Land Use 2025 which recommends towns scrutinize available land for potential locations for town center type development. Mr. Presley also stated that in his opinion, commercial development of the site is less likely to contaminate the site as would light industrial uses.

Mr. Mesolella stressed that this proposal was a vision and that they are flexible in accommodating suggestions from the town. He also stressed to the board to consider the difficult economic times.

A motion was made and passed to open the public hearing.

Mr. John Bagwill, 587 Tuckerman Avenue, spoke out in favor of the application, stating that he liked similar style commercial developments found in Cape Cod, and he did not believe attributes of this proposal were against the values of the Comprehensive Plan.

Mr. Karl Haynes, 31 Debbie Road, resident of 5 years, was in favor of the concept but concerned about the large scale building and additional street traffic light along West Main Road.

Mr. John Brereton, 27 Swan Drive, said there is plenty of vacant commercial land south of Oliphant Lane. There are opportunities to accomplish this or a similar project in another location. Mr. Brereton also noted concern that the project could result in vacant stores in the front and just serve as a façade for the big box in the back, similar to what exists currently at Wickford Junction.

Mr. David Dill, 141 Busher Drive, stated he was not interested in shopping next door and that he would like to see residential on the site instead. Possibly find a place for this type of project within the West Side Master Plan area. Another option offered by Mr. Dill included locating a fire station on the site or regional school. Mr. Dill said commercial use would be a nuisance and would produce more traffic than light industrial would.

Mr. Todd Essinger, Amesbury Circle, was concerned about traffic implications from the addition of a turn lane and traffic light on West Main Road. He was also concerned about the large retail store being an eyesore and the impacts on wildlife.

Mr. Karen Dill, 141 Busher Drive, stated she did not like the “big box” component to the project and was concerned about the noise and

traffic the project would bring.

Mr. Shawn Legein, of 36 Oak Forest Drive, would like to site to be utilized for the promotion of positive development such as high tech jobs. He is not in favor of seeing retail development of the site.

Mr. Kevin Smith, 519 Jepson Lane, said that too much vacant retail property already exists in town.

Ms. Casey Smith, 519 Jepson Lane, spoke out against the proposal. She would like the site to attract tourists.

Mr. Kenneth Alves, a Middletown businessman and resident of Portsmouth, would like the site to remain light industrial, due to the lack of light industrial lands currently zoned and town, and the low demand for retail. Mr. Alves also stated that total residential use of the land was not possible currently due to containments on site.

Ms. Kim Evans, 75 Busher Drive, was also not in favor of the proposal.

Motion by Ms. Rearick, seconded by Ms. Owen, to close the public hearing. Vote: 7-0-0

Mr. Weber described the Comprehensive Plan as an important document and pointed out that the document spells out limiting the expansion of retail development and states the goal of retaining industrial zoning.

Mr. Adams said that the proposal is a good retail development, however, the town has devoted much time to developing commercial design standards that limit the size of retail buildings to 35,000 sq ft.

Mr. Adams also reiterated that the site is not suitable for residential development.

Ms. Owen stated her major concern was the traffic implications of the development.

Ms. Rearick expressed concern about the zone change and requested waivers from requirements.

Ms. Lavine did not believe the location was the right place for this type of project and was also concerned about the amount of vacant commercial space already in town.

Ms. Rose – Cirillo expressed that the proposal was a great concept but she was concerned about the traffic and also would have liked to see more mixed-use on the site.

Mr. Eckhart spoke in favor of the architecture and design but did not like the use. He was concerned about the number of trips the development would require in order to be successful. And if the development was not successful the town would end up with more vacant commercial buildings.

Motion by Ms. Rearick, seconded by Ms. Owen, to deny the request for the proposed Comprehensive Plan amendment. Vote: 7-0-0

6. Request of the Town Council for an advisory recommendation on a petition of CVD II, LLC for amendments to the Middletown Zoning Ordinance relating in part to property at Plat 111, Lots 8, 9, 9A, 10

There was discussion that the proposed zoning ordinance amendments, without the approval of the proposed comprehensive plan amendment, would be inconsistent with the current comprehensive plan.

Citing this inconsistency, motion by Ms. Cirillo, seconded by Ms. Rearick, to submit an unfavorable recommendation to the Town

Council. Vote: 7-0-0

**Motion by Ms.Rearick, seconded by Mr. Adams, to adjourn. Vote:
7-0-0**

The meeting adjourned at 9:00pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner